

## **REMARKS**

### **Entry of Amendment and IDS**

As Applicants are filing a RCE herewith, this amendment and the accompanying IDS should be entered and considered by the Examiner at this time.

Applicants appreciate the Examiner's consideration of their prior response, the withdrawal of many of the prior rejections, and the allowance of Claims 36 and 39. Applicants will now address the Examiner's remaining rejections in the order in which they appear in the Final Rejection.

### **Claim Rejections - 35 USC §112**

In the Final Rejection, the Examiner rejects Claims 4-6, 10, 37 and 38 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending Claims 4-6 to delete the objected to language "a guest material including 4-(dicyanomethylene)-4*H*-pyran group." This should overcome the Examiner's objection to Claims 4-6 and 10.

With regard to Claim 37, Applicants are amending this claim to recite "wherein the second layer further comprises a light emitting material which has an emission wavelength with a maximum value within a range of 580 to 680 nm." Applicants believe that this amendment is supported by Example 5 in the specification of the present application and overcomes the Examiner's objection to Claims 37 and 38.

Accordingly, it is respectfully submitted that the Examiner's objections have been overcome, and it is respectfully requested that this rejection be withdrawn.

#### Claim Rejections - 35 USC §103

##### Claims 6 and 10

The Examiner also rejects Claims 6 and 10 under 35 USC §103(a) as being unpatentable over Nakagawa et al. (US 2004/0124766) in view of Shi et al. (US 6,680,132). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claim 10 without prejudice or disclaimer, rendering the rejection of this claim moot.

With regard to Claim 6, in order to advance the prosecution of this application, Applicants are amending independent Claim 6 to recite the features of "an electroluminescence layer comprising a first layer and a second layer," and "wherein the metal complex represented by the general formula in the first layer is a guest material and the metal complex represented by the general formula in the second layer is a host material." Applicants believe that these features are consistent with the allowable subject matter discussed in the Final Rejection.

Further, neither Nakagama nor Shi appear to disclose or suggest these claimed features.

Therefore, independent Claims 6 is not disclosed or suggested by the cited references, and Claim 6 and those claims dependent thereon are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 11-34

The Examiner also rejects Claims 11-34 under 35 USC §103(a) as being unpatentable over Shi in view of Kim et al. (US 6,614,176). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 11-34, rendering this rejection moot.

Accordingly, it is requested that this rejection be withdrawn.

#### Independent Claims 4 and 5

Applicants are amending independent Claims 4 and 5 in a similar manner as discussed above for Claim 6.

Therefore, for similar reasons as discussed above for Claim 6, it is respectfully submitted that independent Claims 4 and 5 and those claims dependent thereon are patentable over the cited references, and it is requested that these claims be allowed.

#### New Claims

Applicants are also adding new Claims 40-64. These claims are supported by, for example, Example 5 and Fig. 7 of the present application.

As a RCE is being filed herewith, it is respectfully requested that these new claims be entered and allowed.

Please charge our deposit account 50/1039 for any fee due for these new claims.

### Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment, the IDS, the new claims, and/or the RCE, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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/Mark J. Murphy/  
Mark J. Murphy  
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

Customer No. 26568